United Nations S/2001/1204

Security Council

Distr.: General
14 December 2001
English
Original: French

Letter dated 14 December 2001 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the Syrian Arab Republic, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman of the Counter-Terrorism Committee

01-69925 (E) 181201 181201

Annex

[Original: English]

Letter dated 13 December 2001 from the Permanent Representative of the Syrian Arab Republic to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

On instructions from my Government, I hereby have the honour of enclosing a report from the Syrian Arab Republic to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001).

My Government stands ready to provide the Committee with further reports or information, as necessary or if requested to do so by the Committee.

(*Signed*) Mikhail **Wehbe**
Ambassador
Permanent Representative

Enclosure

Note verbale dated 13 December 2001 from the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: Arabic]

The Permanent Mission of the Syrian Arab Republic to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1373 (2001) of 28 September 2001 concerning counter-terrorism (Counter-Terrorism Committee) and has the honour to submit to it herein the report requested in paragraph 6 of the same resolution, in accordance with the Committee's note of 29 [i.e. 26] October 2001 (SCA/20/01(6)). In submitting this report to the Committee, the Mission is anxious to stress at the outset the principles and norms observed in its preparation, as set forth hereunder.

1. Since Security Council resolution 1373 (2001) does not define the concept of terrorism or specify the terrorist acts and entities that must be suppressed, in the preparation of the present report Syria has based itself on its commitments as a party to the 1998 Arab Convention for the Suppression of Terrorism, which distinguishes between terrorism and legitimate struggle against foreign occupation, on the international conventions relating to terrorism to which Syria has acceded and on the provisions of Security Council resolution 1333 (2000).

2. On this basis, Syria has always condemned terrorism in all its forms, and it reaffirms its commitment to international legitimacy. It has also expressed its readiness to cooperate with the United Nations in the suppression of terrorism in accordance with the Charter of the United Nations, the norms of international law and the established principles of national sovereignty.

On the basis of the foregoing and in accordance with these concepts, Syria addresses to the Committee the information requested and its answers to the [questions corresponding to the relevant] operative paragraphs [of resolution 1373 (2001)].

Question 1 (a): What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to [the] questions on 1 (b) to (d)?

The banking system in Syria does not permit any non-Syrian entity to make overseas transfers through Syrian banks.

The banking system in operation permits Syrians only to finance external trade and to do so in accordance with legal banking instruments approved by the official authorities. Banks in Syria are also subject to monitoring by the Syrian Government.

The Syrian Government is currently studying a draft law for the prevention of money laundering.

Question 1 (b): What are the offences and penalties in your country with respect to the activities listed in this subparagraph?

Charitable and social associations operating in Syria are subject to Law No. 93 of 1958, which imposes government supervision of their activities, their accounts and their resources. The Law establishes the ways in which the funds of such associations may be disbursed for the charitable purposes for which provision is made in their statutes, it being understood that they will conduct their activities in the territory of the Syrian Arab Republic under the supervision of the Ministry of Social Affairs and Labour.

For overseas assistance or donations to such associations, prior government approval must be obtained after the legality of their source has been ascertained.

Question 1 (c): What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.

The answer to this question is given in our reply under items (a) and (b).

Question 1 (d): What measures exist to prohibit the activities listed in this subparagraph?

Article 304 of the Penal Code defines terrorist acts, and its article 305 establishes a harsh criminal penalty for those who commit such acts. In the nature of things, whoever makes funds available to perpetrators of such acts is regarded as an accessory to the crime and is penalized as such. Article 306 of the Syrian Penal Code promulgated by legislative decree No. 148 of 22 June 1949 provides that all associations established for the purpose of changing the economic or social character of the State or the basic mores of the community using one of the means listed in article 304 shall be dissolved and their members shall be sentenced to hard labour for life.

Nationals or any persons or entities in Syrian territory are thus forbidden to make available, directly or indirectly, any funds, financial assets, economic resources or financial services to persons committing terrorist acts. The Syrian Penal Code imposes on perpetrators of these terrorist offences harsh penalties that range from 10 years' imprisonment to hard labour for life. It also imposes the death penalty in the event that any such terrorist act should cause the destruction, even if only partial, of a public building, industrial establishment, ship or other installation, or the disruption of means of information, communication or transport, or if the act causes the death of a person.

Question 2 (a): What legislation or other measures are in place to give effect to this subparagraph? In particular, what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

The only entity authorized under Syrian law to engage in the recruitment of individuals is the Ministry of Defence. Otherwise no entity may recruit or finance individuals to promote its activities

Question 2 (b): What other steps are being taken to prevent the commission of terrorist acts and, in particular, what early-warning mechanisms exist to allow exchange of information with other States?

Syria cooperates with some other Arab countries, with European countries and with such international organizations as ICPO-Interpol in the exchange of information concerning those sought for engaging in acts of terrorism.

Question 2 (c): What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this subparagraph? It would be helpful if States supplied examples of any relevant action taken.

Syria does not provide a safe haven for those who finance, support or commit the terrorist acts stipulated in Security Council resolution 1333 (2000).

Question 2 (d): What legislation or procedures exist to prevent terrorists acting from your territory against other States or citizens? It would be helpful if States supplied examples of any relevant action taken.

The Arab Convention for the Suppression of Terrorism, concluded in the framework of the League of Arab States, and the agreement between Turkey and Syria on security cooperation prevent the territory of one party from being used against another party.

Question 2 (e): What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflects the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given.

The Syrian Penal Code promulgated by legislative decree No. 148 of 22 June 1949, and specifically its articles 304 to 306, characterizes terrorist acts as grave crimes for which the penalty ranges from 10 years to death.

Question 2 (f): What procedures and mechanisms are in place to assist other States? Please provide any available details of how these have been used in practice.

See the reply under subparagraph (d) above.

Question 2 (g): How do border controls in your country prevent the movement of terrorists? How do your procedures for issuance of identity papers and travel documents support this? What measures exist to prevent their forgery etc.?

The Syrian Department of Immigration and Passports cooperates with the Ministry of the Interior in monitoring the land, air and maritime boundaries, and their procedures prevent the movement of terrorists or terrorist groups to and from Syrian territory. The Syrian Ministry of the Interior has also taken measures to prevent the counterfeiting or forgery of identity and travel documents.

Question 3 (a): What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this subparagraph?

See the articles of the Syrian Penal Code cited under subparagraph 1 (d) above.

Question 3 (b): What steps have been taken to exchange information and cooperate in the areas indicated in this subparagraph?

See under subparagraph 2 (b) above.

Question 3 (c): What steps have been taken to cooperate in the areas indicated in this subparagraph?

Syria has signed the Arab Convention for the Suppression of Terrorism and an agreement on security cooperation with Turkey.

Question 3 (d): What are your Government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this paragraph?

Syria has acceded to four international conventions for the suppression of terrorism, and the relevant Syrian authorities are now considering accession to the remaining international conventions in accordance with the country's legal and constitutional procedures.

Question 3 (e): Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this subparagraph.

Syria is bound by the conventions to which it has acceded and will in future be bound by those to which it will accede.

Question 3 (f): What legislation, procedures and mechanisms are in place for ensuring asylum seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases.

Refugees are admitted to Syria exclusively on the basis of cooperation between the Ministry of the Interior and the Office of the United Nations High Commissioner for Refugees in accordance with the requirements for cases of asylum and the criteria established by UNHCR for the granting of refugee status.

Question 3 (g): What procedures are in place to prevent the abuse of refugee status by terrorists? [Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognized as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases.]

Article 24 (a) of the Syrian Penal Code states that the extradition of political refugees will be refused if the offence for which extradition is sought is of a purely political character. The Syrian legal position is in keeping with the Model Treaty on Extradition adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

The Permanent Mission of the Syrian Arab Republic to the United Nations takes this opportunity to convey to the Counter-Terrorism Committee the assurances of its highest consideration.